

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed February 21, 2006.

Currently, claims 1, 3-11, and 13-52 are pending.

I. Rejections under 35 U.S.C. §102

In the Office Action, the Examiner rejected claims 1, 3, 7-10, 14-17, 19, 20, 28-36, 41-45 and 47 under 35 U.S.C. §102 as being anticipated by Wu et al., U.S. Patent 5,987,256 (“Wu”). Because Wu does not disclose all of the limitations of the claims, Applicant asserts that claims 1, 3, 7-10, 14-17, 19, 20, 28-36, 41-45 and 47 are patentable over the cited prior art.

Claim 1 recites “compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser.” This limitation is not taught by the prior art.

On page 3 of the Office Action, the Examiner alleges that Wu discloses the above quoted claim limitation and cites to col. 2, lines 47-50 and col. 4, lines 43-48 to support the Examiner’s assertion. Applicant, however, notes that the two passages cited by the Examiner do not disclose all of the quoted limitations. For example, supersets of the two passages cited by the Examiner are set forth below:

In yet another alternative of the present invention, a method for providing data to a target device is provided. This method includes requesting for the target device a first data set from a source of data, the first data set specifying the object according to the object specifying language; translating the first data set to a second data set in an intermediate language adapted for execution according to a second rendering program by the target device. The second data set is then sent to this target device. This allows a thin platform target device to request objects specified by full function HTML, JAVA and other object specifying languages, and have them automatically translated to a format suitable for rendering in the thin environment. (Wu, col. 2, lines 43-55).

FIG. 2 illustrates the environment in which the compiled code data is generated according to the present invention. Thus for example, a developer workstation 20 is coupled with image rendering tools such as HTML, JAVA, or other image tools 21. The

workstation 20 is coupled to a server for the composed data 22. The server includes a precompiler 23 which takes the composed data and translates it into the compiled code data. Compiled code data is then sent to a destination 24 where it is stored or rendered as suits the needs of a particular environment. Thus for example, the destination may be a VCD, DVD or the World Wide Web. (Wu, col. 4, lines 38-48).

The above quoted passages of Wu do not disclose creating executable code for “a rendering entity different than and within a browser,” as recited in claim 1.

On page 22 of the Office Action (Response to Arguments), the Examiner responds to the Applicant’s previous argument that Wu does not disclose “compiling said mark-up language description of said particular content to create executable code for a rendering entity different than and within a browser.” In the Examiner’s response, the Examiner again cites to col. 4, lines 43-48. However, that passage of Wu is quoted above and it clearly does not mention compiling for “a rendering entity different than and within a browser,” as recited in claim 1. In fact, on page 22 of the Office Action, the Examiner mentions the act of compiling and a rendering entity, but the Examiner never states that Wu discloses “a rendering entity different than and within a browser,” as recited in claim 1. Therefore, Applicant asserts that Wu does not disclose all of the limitations recited in claim 1.

Applicant admits that Wu discloses a rendering entity. However, this rendering entity is not disclosed to be “different than and within a browser.” Rather, Wu discloses a “rendering program utilizing a minimum set of resources, for use in a target device that has limited processing resources unsuited for storage and execution of the HTML rendering program, JAVA virtual machine, or other rendering engine for the standard.” (Wu, col. 1, lines 58-63). Wu’s invention is targeted for those clients that do not use a standard browser, but rather are implemented as a thin client with less features than standard full featured clients. Thus, not only does Wu not teach the use of “a rendering entity different than and within a browser,” as recited in claim 1, Wu specifically teaches in a different direction. As such, there can be no inherency argument.

Unless the Examiner provides specific evidence in Wu of compiling a mark-up language description of content to create executable code *“for a rendering entity different than and within a*

browser,” Applicant respectfully asserts that the rejection of claim 1 should be withdrawn.

Applicant asserts that claims 3-13, 28-32, 33-36, 41-44 and 45-47 are patentable for the same reasons as claim 1.

Claim 14 has been amended to recite “compiling said mark-up language description and said scripting language description to create combined executable code from both said mark-up language description and said scripting language description …” These limitations are not disclosed by Wu. On page 24 of the Office Action, the Examiner asserts that Wu discloses the use of standard languages, and that mark-up languages and scripting languages are common. While it may be true that mark-up languages and scripting languages are common, there is no evidence in the record that it is common to compile both a mark-up language description and a scripting language description into the same executable code in combination with the other elements of claim 14. Wu specifically does not disclose compiling both a mark-up language description and a scripting language description to create combined executable code from both the mark-up language description and the scripting language description, as recited in claim 14. Therefore, Applicant asserts that claim 14 is allowable over the prior art.

Applicant asserts that claims 15-27 are patentable for the same reasons as claim 14.

II. Rejections under 35 U.S.C. §103

In the Office Action, the Examiner rejected claims 4, 5, 13, 21-24, 26, 27, 37-40, 46, and 48-50 under 35 U.S.C. §103 as being obvious in light of Wu and Davis, U.S. Patent (6,643,696). Because the cited prior art, alone or in combination, does not disclose all of the limitations of the claims, Applicant asserts that claims 4-6, 13, 18, 21-27, 37-40, 46, and 48-50 are patentable over the cited prior art.

First, there is no motivation to combine the references as proposed by the Examiner because Davis and Wu disclose inventions in different areas of technology. Davis “relates to a method and apparatus for monitoring client use of and interaction with a resource downloaded from a server on a computer network, for storing monitored data, for creating a database including profiles indexed by user and/or resource identity, and for generating customized resources based upon client profiles.” (Davis, col. 1, lines 33-38). This field of technology is different than that of Wu. As explained above, Wu discloses the compiling of computer programs for a “rendering program utilizing a

minimum set of resources, for use in a target device that has limited processing resources unsuited for storage and execution of the HTML rendering program, JAVA virtual machine, or other rendering engine for the standard.” (Wu, col. 1, lines 58-63). Because the two disclosure are focused on different technologies, one of ordinary skill in the art would not be motivated to combine Wu and Davis. There is no evidence of record to show motivation for such a combination and, generally, two patents in two different fields do not inherently motivate such a combination.

Even if the Examiner were to combine Wu and Davis, the proposed combination does not include all of the limitations of claim 21. For example, claim 21 recites “receiving a request for content that includes data other than code … acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server …” While *Wu* does disclose compiling HTML at a server, *Wu* does not provide a disclosure of the server acquiring data other than code from a data source external to and different than the server in response to said mark-up language description, as quoted above from claim 21. Applicant’s specification provides a detailed description of this process, while *WU* provides no such disclosure. Therefore, Applicant asserts that *Wu* does not disclose “receiving a request for content that includes data other than code … acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server …” as recited in claim 21.

Davis also does not disclose “receiving a request for content that includes data other than code … acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server …” as recited in claim 21. On page 15 of the Office Action, the Examiner cited Davis for teaching “that a client device can send a request to a server for secondary content and that the secondary content can include a second application that is called by the first application.” However, the data recited in claim 21 is “other than code” which is different from the code - the second application - of Davis. Additionally, Davis discloses calling the second application from the rendering application, not the server (as opposed to the rendering entity) acquiring the data from a data source external to and different than the server …” as recited in claim 21. Thus, Davis does not disclose all of the limitations of claim 21.

Neither Wu nor David teach or suggest “receiving a request for content that includes data other than code . . . acquiring said data from a data source external to and different than said server in response to said mark-up language description, said data is acquired by said server . . .” as recited in claim 21. Therefore, combining the two references also does not teach the quoted limitations. For all of the reasons discussed above, Applicant asserts that claim 21 is in condition for allowance.

Applicant asserts that claims 4, 22-27, 37-40, and 48-50 are patentable for the same reasons as claim 21.

Claims 37-40 are also patentable for the same reasons as claim 1.

Applicant asserts that claims 5, 6 and 11 are patentable for the same reasons as claim 1, and claims 13 and 18 are patentable for the same reasons as claim 14.

III. New Claims

Claim 51 is patentable over the prior art for the same reasons as claim 21. Furthermore, the cited prior art does not disclose compiling media data.

Claim 52 is patentable over the prior art for the same reasons as claim 1. Furthermore, the cited prior art does not disclose the ability to adapt to multiple types of renders, as per the language of claim 52.

IV. Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1, 2-11, and 13-52 is respectfully requested.

The Examiner’s prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, August 21, 2006.

This Response is submitted with a Request for Continued Examination.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: August 21, 2006

By: _____ /Burt Magen/
Burt Magen
Reg. No. 37,175

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665